

Oman (Tier 2)

The Government of Oman does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Oman remained on Tier 2. These efforts included establishing dedicated counter-trafficking units within the Ministry of Labor (MOL) and Royal Oman Police (ROP), identifying and referring more victims to care, and employing standardized screening procedures to identify potential trafficking victims among those arrested for immigration violations or engaging in commercial sex. The government also implemented its decision to remove the No-Objection Certificate (NOC) to allow migrant workers, including domestic workers, to change jobs at the end of a contract without employer permission and undertook a new anti-trafficking awareness campaign. However, the government did not meet the minimum standards in several key areas. The government prosecuted fewer alleged traffickers and convicted fewer traffickers overall. The government did not investigate, prosecute or, for the third consecutive year, convict any traffickers of forced labor. It also continued to require potential trafficking victims to have active court proceedings to remain in the government's shelter long-term, and it did not operationalize a national referral mechanism (NRM).

PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to investigate, prosecute, and convict traffickers for forced labor crimes. • Increase use of specialized trafficking units within the MOL, ROP, and Public Prosecutor's Office (PPO) to investigate indicators of potential trafficking crimes. • Impose dissuasive penalties on employers who withhold their employees' passports. • Expand labor law protections to, and enforce legal protections for, domestic workers. • Finalize, implement, and train officials on formal procedures to proactively identify and refer to care male and female trafficking victims among vulnerable populations, such as migrant workers, people in commercial sex, and North Korean laborers, whom the North Korean government may have forced to work. • Prevent penalization of trafficking victims among vulnerable groups, such as those arrested for immigration violations or commercial sex or who flee abusive employers and face deportation, by utilizing

the new screening questionnaire, widely disseminating its procedures and training all officials on its use. • Ensure effective implementation of recent reforms to the sponsorship-based employment system that allow all migrant workers to change jobs without employer consent upon completion or termination of their employment contracts. • Disseminate to stakeholders the decision that allows potential victims the option to self-refer to protective services and amend the provision that stipulates they can only reside in the shelter long-term if they file charges against, or there is a corresponding prosecution of, an alleged offender. • Continue to expand trainings for officials involved in criminal investigations and for hotline operators to ensure accurate characterization of trafficking crimes. • Fully implement the newly adopted national action plan (NAP) for 2021-2023. • Continue to conduct country-wide public awareness campaigns on all forms of trafficking, specifically targeted to vulnerable populations, including domestic workers.

PROSECUTION

The government made uneven law enforcement efforts. It continued to focus disproportionately on sex trafficking versus labor trafficking crimes and reported it prosecuted fewer alleged traffickers and convicted fewer traffickers, none of which were for forced labor crimes. However, the government increased capacity to investigate trafficking crimes by establishing a dedicated counter-trafficking unit within the ROP. Oman's 2008 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed punishments of three to seven years' imprisonment and a fine between 5,000 and 100,000 Omani rial (OMR) (\$12,990-\$259,740) for offenses involving adult victims and seven to 15 years' imprisonment and a minimum fine of 10,000 OMR (\$25,970) for offenses involving child victims. These punishments were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. MOL circular No.2/2006 prohibited employers from withholding migrant workers' passports but did not specify penalties for noncompliance. During the year, the government reportedly retained a foreign law firm to review Oman's existing anti-trafficking legislation and submit recommendations to the National Committee to Combat Human Trafficking (NCCHT) in an effort to make the law more robust and comprehensive; however, the government had not taken any action to amend the law at the close of the reporting period.

The PPO maintained a specialized anti-trafficking unit but did not report how many alleged trafficking cases it handled during the reporting year. In 2020, the government reported investigating seven alleged human trafficking cases, all for sex trafficking, resulting in the arrest of 10 suspects. During the previous reporting period, the government reported the same number of investigations, six of which were sex trafficking investigations and one of which was a forced labor case. Authorities prosecuted two suspects in the seven cases under the anti-trafficking law on sex trafficking charges; the government did not report any forced labor prosecutions during the reporting period. One suspect remained involved in an ongoing prosecution initiated in 2019 at the close of the reporting period. The number of prosecutions was down from the previous year, when the government reported prosecuting 26 suspects in the seven cases investigated. In 2020, the government reported two sex trafficking convictions—down from seven in 2019—under the anti-trafficking law. Officials sentenced both defendants to imprisonment ranging from three to five years and a fine of 5,000 OMR (\$12,990). The government planned to deport and impose reentry bans on the convicted traffickers upon completion of their sentences. The government reported that the PPO initially considered labor cases involving foreign workers as trafficking cases until proven otherwise but did not prosecute and convict any perpetrators for labor trafficking crimes during the year. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking.

The government continued efforts to address passport retention. The MOL reported investigating 82 passport retention cases in 2020, compared with 95 cases the year prior. Officials did not report how many such cases it investigated as potential trafficking crimes, though the entity did resolve 51 of the 82 cases and referred 11 cases for adjudication in labor courts. In December 2020, the ROP established a dedicated counter-trafficking unit within the ROP to respond directly to reports of trafficking and utilize best practices for investigating trafficking crimes and identifying victims. Analogous to the previous year, the government did not provide data on its expenditure for trafficking-related trainings in 2020; however, it facilitated and fully funded seven anti-trafficking trainings for more than 85 officials from the police, labor, and social services. The ROP training academy continued to educate all incoming cadets on the legal framework for trafficking and related crimes, victim identification, and mechanisms for transferring potential

cases to court and reached an unknown number of new Omani officials during the year.

PROTECTION

Protection

The government increased efforts to protect victims. It identified and referred more victims to care and strengthened its capacity to screen for potential trafficking victims among vulnerable populations; however, existing policy limited shelter stays to victims with cases under active investigation, and the government continued to lack a NRM at the close of the reporting period. The government reported identifying 29 female trafficking victims during the reporting period, an increase from 25 female victims the previous period. Of the 29 victims the government identified, three were identified via the main trafficking hotline. In addition to the 29 identified victims, the government reported three victims self-referred to the shelter for the first time, following a change in policy in the previous reporting period to allow potential victims to self-refer to the shelter, instead of requiring a referral from the PPO. All 32 victims received services at the government-operated shelter in Muscat. The government continued to lack formalized referral procedures; however, during the reporting period, the government created and disseminated a formal screening questionnaire for officials to use in identifying potential trafficking victims among those arrested for commercial sex, labor violations, and fleeing their sponsor. Reportedly, the ROP used this questionnaire to screen for trafficking indicators during the arrest of 63 women suspected of engaging in commercial sex in February 2021; however, the government did not report whether it identified any of the woman as trafficking victims. The government included the development and operationalization of a NRM in previous NAPs; however, it did not implement a mechanism and therefore included it again in the most recent 2021-2023 NAP. Officials continued to reactively refer some victims identified as part of ongoing police investigations to the Ministry of Social Development (MOSD) for shelter placement and medical and psychological services. The MOL was authorized to identify potential victims and refer their cases to the ROP but did not report doing so during the reporting period. Officials in other government sectors often referred self-identified victims first to the police rather than directly to the MOSD for shelter placement. During the previous reporting period, the government altered its policy to allow potential victims to self-refer to the shelter; previously, victims could only obtain

government-provided services if they filed cases with the PPO which could then issue a referral to the shelter. Under the new procedure, once a potential victim self-referred to the shelter, MOSD reported it alerted the PPO, which would formally begin an investigation to determine whether the individual was a trafficking victim, allowing the victim to remain at the shelter long-term. However, the government continued to stipulate that long-term shelter stays had to coincide with active trafficking investigations. Some source-country embassies in Oman reportedly offered victim services for their nationals but could not operate formal shelters without approval from the government, which it did not provide.

During the reporting period, the government allocated 1.79 million OMR (\$4.64 million)—a marked increase from the previous year's allocation of 198,129 OMR (\$514,620)—for accommodations and victim care at its permanent shelter, which could lodge up to 50 women and child victims of forced labor, sex trafficking, or other types of abuse. The shelter provided room and board, psychological counseling, legal support, monetary stipends, recreational opportunities, rehabilitation activities, resiliency training, and medical care to victims. Shelter administrators interfaced with judicial officials to keep victims regularly informed of the status of their legal cases. Shelter policy dictated that victims could depart the premises only with a chaperone. As in previous years, the government did not provide shelter services for any male victims during the reporting period. The government offered complimentary repatriation services to victims who did not want to remain in-country. Officials permitted and encouraged some victims to stay in Oman for the duration of court proceedings against traffickers; the government reported 13 victims cooperated in criminal cases during the reporting period. Officials reportedly encouraged other victims to reach extrajudicial settlements for the sake of expediency. The government did not allow participating victims the chance to work or leave the shelter in the interim, and protracted court cases coupled with prolonged unemployment disincentivized victims from participating in trials. The NCCHT upheld the tenets of its memorandum of understanding (MOU) with a local association to provide pro bono assistance to trafficking victims involved in court proceedings, to include seeking damages on behalf of trafficking victims and pursuing labor claims via MOL mediation. Although the government could facilitate new sponsorship for expatriate laborers, most cases during the year ended with aggrieved workers unable to switch employers, reaching administrative settlements with their former employers, and subsequently returning to their home countries. The government provided foreign

victims with legal alternatives to removal to countries in which they may face retribution or hardship, including alternate employment under another sponsor; during the reporting period, the government provided one victim a no-cost resident card, enabling the victim to seek new employment in Oman following the end of court proceedings.

The labor law did not adequately cover domestic workers, and the 2004 Ministerial Decision regulating their employment did not provide effective rights protections or adequate complaint mechanisms for this population. This decision established broad regulations related to monthly wages, adequate room, board and medical care, return airfare when the employer terminates the contract, and airfare to and from the worker's home country during approved vacation days; however, the decision did not provide standards on working hours, weekly rest days, annual vacation, overtime compensation, and penalties for employers who breach provisions. The government's 2011 standard employment contract for domestic workers included provisions from the 2004 decision and required one weekly rest day, 30 days of leave, and return flights every two years but had no limit on working hours or provisions for overtime pay. Some domestic workers experienced non-payment of wages, excessive work hours, passport confiscation, and physical and sexual abuse during the reporting period. Authorities reportedly detained some workers for "absconding" who intended to file grievances against abusive employers and did not consistently screen for trafficking indicators among vulnerable populations. Some employers could compel foreign workers, whose legal status remained tied to their employers, to work for lower or no wages under the credible threat of deportation. Authorities also continued to treat some potential domestic servitude cases as labor violations and did not report identifying potential victims of domestic servitude.

PREVENTION

The government demonstrated increased efforts to prevent trafficking. It implemented its decision to remove the employer-controlled NOC to allow individuals, including domestic workers, to seek new employment without employer approval at the end of their contract, which reduced their vulnerability to forced labor; drafted and adopted the new National Action Plan to Combat Trafficking for 2021-2023; created a specialized counter-trafficking unit within MOL's Inspection Department to improve identification of forced labor cases and

increase victims' access to protection services; and launched its second formal awareness-raising campaign.

During the reporting period, the NCCHT issued its new NAP. Under the new NAP, the government would develop a NRM, establish new shelters outside Muscat, enact a new domestic worker law, and establish a deterrent penalty for passport confiscation, among other critical activities. In December 2020, the Ministry of Foreign Affairs (MFA) hosted a forum to solicit feedback on the NAP and Oman's efforts to combat trafficking with representatives of seven labor-sending countries, including India, Bangladesh, Pakistan, and the Philippines. The government also reported it consulted the Oman Chamber of Commerce and Industry, an international organization, and other GCC partners in drafting the NAP. The NCCHT did not hold a formal meeting during the reporting year due to the pandemic but reported that several members met frequently to discuss trafficking issues and advance counter-trafficking policies.

In March 2021, the government initiated a three-month national trafficking awareness campaign entitled *Insan*. The campaign, which specifically targeted workers, victims, and offenders, had seven goals, including enhancing community awareness of trafficking, enabling victims to receive protective services, and preventing trafficking crimes. The NCCHT held a campaign launch event in which prominent Omani officials, media personalities, and sports stars delivered messages calling for Omanis to treat victims of trafficking with dignity and respect. Due to pandemic-related restrictions, the government also live-streamed the event to reach a broader audience. In conjunction with the launch, the NCCHT announced a new website to increase awareness of trafficking crimes and offer resources for potential victims to receive assistance and to report potential cases; information on the website was available in 12 different languages, including English, Arabic, Hindi, Urdu, Bengali, and Tagalog. During the three-month campaign, the NCCHT reported advertising and media activities would feature artwork to convey trafficking indicators, such as passport confiscation. At various times during the reporting period, government-run media and the PPO published information and reminders to raise public awareness of trafficking; in February 2021, the PPO posted a series of tweets and wrote a press article reminding the public of Oman's anti-trafficking laws. Additionally, the MOL conducted educational seminars for 882 companies and held 100 group meetings to raise

awareness of Oman's labor laws and labor recruitment issues during the reporting period.

The MFA continued to fund an international trafficking expert to advise and assist interagency entities in carrying out victim-centered investigations, devising legislative improvements, and enhancing information-gathering techniques. The ROP maintained the government's central trafficking hotline and displayed its phone number on social media posts, news articles pertaining to trafficking, and the newly launched NCCHT website. Officials did not report how many calls the police hotline received; however, the government did report that it identified three victims via its hotline and referred them to care. The MOL operated a labor violation hotline, which it promoted in its video on workers' rights and responsibilities, and the MOSD operated one that served as an all-purpose helpline. All hotlines reportedly remained active year-round, 24 hours per day, and staffed with Arabic and English interpreters; Urdu, Hindi, and Bangla-speaking contractors were available. The government reported having MOUs regarding migrant workers with Iran, India, Bangladesh, Sri Lanka, Vietnam, Syria, the Palestinian Authority, Egypt, and Morocco; some included articles prohibiting unlawful labor recruitment and trafficking. Oman was signatory to a Gulf Cooperation Council-wide labor agreement with the Philippines. Labor-source country embassy representatives that had labor-related agreements with the government reported they experienced good cooperation with the MOL and ROP on labor issues involving their respective nationals during the reporting period.

In the previous reporting period, the government announced its intent to eliminate the NOC that historically required employees to receive permission from their employers to seek new employment—a reform that reduced workers' vulnerability to exploitive situations that could constitute forced labor. The government implemented this reform in January 2021; the government allowed migrant workers, including domestic workers, to change employers upon completion or termination of their employment contract without employer approval. The MOL General Directorate of Labor must approve the contract with the new employer. However, workers who fled allegedly abusive employers could not utilize the reform as their contract had not expired or been terminated, which was required to request a transfer. The government reported expatriate workers could depart the country without permission at any time, but a worker's ability to do so was contingent on physically possessing a passport, having sufficient travel funds to

return home, and not facing any charges, including “absconding” charges. Some potential trafficking victims who experienced passport confiscation or were subject to spurious charges filed by their employers may have been unable to leave the country freely during the reporting period; instead, they may have been detained and subsequently deported for fleeing an abusive employer or forced to remain in Oman in an exploitative situation without possession of their travel documentation.

In August 2018, the MOL issued a ministerial decision stating a company must prove it has paid the past three months of an employee’s salary before filing a complaint to charge an expatriate employee with “absconding.” The ministerial decision stipulated that, if a company filed more than five complaints in a month or more than 10 in a year, it would be subject to increased inspections to ensure it was complying with local labor laws. If the company was noncompliant with local labor laws, the MOL would suspend it. The ministerial decision also created protections to prevent employers from firing employees while on leave or otherwise absent from work. During the reporting period, the MOL increased inspections from 5,629 to more than 8,000 establishments to ensure compliance with labor law provisions, screen for trafficking indicators, and build awareness against forced labor and exploitative practices among the migrant workforce. However, it did not report whether it referred any findings to the courts for administrative or criminal proceedings or referred any potential trafficking victims to care. The MOL also investigated 22,580 labor disputes, resolved 9,057, and referred 7,602 cases to judicial authorities for adjudication; 5,921 cases remained pending at the close of the reporting period. In an effort to increase identification of potential instances of forced labor and provide victims greater access to justice and protective services, the MOL established a dedicated counter-trafficking unit within its Inspection Department in August 2020; the unit reported it monitored 312 recruiting agencies and inspected 243 agencies of the 312 during the reporting period. From these inspections, the unit reported that it referred 23 recruitment agencies to the PPO for further investigation. Additionally, the unit received 274 complaints against recruitment agencies during the reporting year. Of the 274 complaints, it reached settlements in 85 cases and referred 116 to judicial authorities for adjudication; 59 cases remained pending at the close of the reporting period and 14 had an unknown status. The government did not report any efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit foreign victims in Oman. Oman's migrant worker community comes primarily from Bangladesh, India, Pakistan, the Philippines, Sri Lanka, Nepal, and some African countries. During the reporting period, the government implemented pandemic-related travel restrictions that limited migrant workers' ability to enter and exit the country; between March 2020 and October 2020, the government closed airports and land borders, limiting workers' capacity to travel to Oman while stranding others within the country who may have experienced increased risk of exploitation due to pandemic-related job loss or non-payment of wages. Largely as a result of "Omanization," a series of labor-related policies designed to prioritize Omanis for employment over expatriates, as well as pandemic-related economic downturn and travel restrictions, the number of migrant workers in Oman declined in 2020, continuing a trend and effectively reducing the pool of vulnerable third-country residents in Oman. Attesting to this effect, Oman's National Center for Statistics and Information reported the number of expatriates working declined by 14 percent during the year. Additionally, between November 2020 and March 2021, the government offered irregular expatriate workers the option to leave the country permanently without paying work permit-related fines if they registered for the exemption; 12,378 workers had used this option at the end of the year. Trafficking victims typically migrate to Oman willingly and legally. Men generally seek employment in construction, agricultural, and service sectors, while women often seek domestic worker jobs. Male victims are typically from South Asia and more vulnerable to forced labor. Traffickers exploit female victims, predominantly from South, Southeast, East Asia, and East Africa, in forced labor and sex trafficking. Domestic workers who flee their employers are also vulnerable to sex trafficking. Some employers reportedly "kicked out" their domestic employees, and some domestic workers were consequently forced into commercial sex. Additionally, terminated migrant workers who were unable to depart the country became at greater risk of exploitation, while others who contracted COVID-19 or required quarantine experienced salary cuts because they could not work. North Koreans working in Oman may have been forced to work by the North Korean government.

Expatriate workers seeking low-wage jobs continue to be at risk for trafficking under the kafala or visa-sponsorship employment system in Oman, which grants recruitment agencies and/or Omani visa sponsors significant unilateral control over workers' residency and work visas and therefore their legal status in the country. Although the government instituted initial reforms of the sponsorship system

during the reporting period, this system continues to give employers the power to dictate the status of residency permits. Some unscrupulous recruitment agencies in Oman and their sub-agents in labor-source countries mislead migrant workers in their respective countries of origin by providing fraudulent contracts with fictitious wages and charging exorbitant recruitment fees. Some victims face working conditions significantly worse than recruiting agencies had promised. Traffickers subject some of these workers to employment practices that constitute forced labor, to include excessive work hours, passport confiscation, non-payment of wages, food deprivation, and psychological and sexual abuse. Conversely, other workers enter Oman with full knowledge of their work obligations; but, sponsors ultimately coerce them to work for little or no pay or in dire conditions under the credible threat of deportation. In previous reporting periods, some workers arrived in Oman on tourist visas or by first traveling to the United Arab Emirates (UAE) while willing employers secured their Omani work visas, thereby circumventing the protective oversight of workers' home governments. Additionally, some victims originally intended to travel to the UAE but were subsequently compelled to accept work in Oman, or vice-versa. Traffickers often began recruitment in labor-source countries with some promising retail jobs in well-known areas, such as Dubai. After arriving in the UAE, traffickers transported the migrant laborers into Oman and force them to work for lower wages and in austere conditions in the absence of legal contracts. However, during the current reporting period, pandemic-related travel restrictions and border closures limited these practices. Informal labor intermediaries operate legally but without regulation in Oman, communicating anonymously via social media platforms to promise Omani sponsors inexpensive domestic labor at a fraction of the cost stipulated by the formal, well-established recruitment agencies.